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Capital crimes.

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CAPITAL CRIMES.

JANUARY 22, 1896.—Referred to the House Calendar and ordered to be printed.

Mr. UPDEGRAFF, from the Committee on the Judiciary, submitted the following

REPORT:

[To accompany H. R. 878.]

The Committee on the Judiciary, to whom was referred House bill 878, having had the same under consideration, beg leave to report it back to the House and to recommend its passage.

The committee submit a letter from Sinclair Taliaferro, esq., United States district attorney for the eastern district of Texas, addressed to the author of the bill, stating strong reasons for its early passage, and they reproduce and adopt the report of the Committee on the Judiciary of the Fifty-third Congress.

PARIS, TEX., December 23, 1895.

SIR: While in Washington in July last I requested the Attorney-General to have introduced and passed by this Congress a bill amending the law as to murder. He inclosed me a copy of bill introduced by you designed for this purpose, which permits the jury to return a qualified verdict finding the party guilty of murder, but "without capital punishment." This bill, in my judgment, covers the question very fully, and I trust very earnestly you will have it passed as soon as possible. I have on the docket of this court for trial at the next term, commencing in April, 73 murder cases, where parties are either in jail or under bond. In many of these cases the facts will not permit the court to submit the question of manslaughter to the jury, and the only question to be determined will be that of murder, which is now punishable only by death, and the severity of the penalty in many cases, where the parties are undoubtedly guilty and should be punished, prevents the juries from either reaching a verdict or leads them to acquit the defendant.

I hope you will succeed in passing the bill at the present term, as it is very necessary to the administration of justice in this court. If you think it will be of any assistance to you, it will afford me great pleasure to write the Texas delegation in Congress and urge them to lend you their help.

I have the honor to be, very respectfully,

Hon. N. M. CURTIS,
House of Representatives, Washington, D. C.

S. TALIAFERRO,
United States Attorney.

Mr. WOLVERTON, from the Committee on the Judiciary, submitted the following report, No. 545 (to accompany H. R. 5836):

The offenses to which the death penalty was affixed during colonial times were adopted from the English code and reenacted in the Federal statutes after the adoption of the Constitution. Few changes have been made during the last century. At this time there are sixty offenses for which Federal laws prescribe the death penalty, positively or conditionally, as a military or naval court-martial may, in its discretion, direct.

There have been no executions for many of these offenses for a long term of years. Their existence in the statutes gives a sanguinary character to our laws inconsistent with the spirit of the people and of the age.

While the crimes of murder in the first degree and rape are, under this bill, punishable with death, provision is made that life imprisonment may be substituted for the penalty of death, in trials in the civil courts, whenever the jury shall qualify their verdict by adding thereto "without capital punishment."

These modifications are in harmony with the practice of many States and a growing public sentiment.

Your committee recognize the strength of the arguments presented by the advocates of the abolition of the death penalty, supported as they are by statistics and the satisfactory experience of States and countries in which partial or total abolition has been tried; and several members of your committee are fully prepared to recommend the total abolition of the punishment of death. But others believe this penalty to be a great deterrent, and that the people are not, at this time, ready for total abolition; therefore your committee unanimously recommend that for the crimes specified in this bill the punishment of death be retained, with the limitations provided herein, and that for all other crimes for which this penalty is prescribed under existing laws this punishment be totally abolished.

Your committee append hereto important facts and information, collected and presented by the author of bills 273 and 5836 (Mr. Curtis, of New York). It is believed that the information contained in this appendix will be of great value to legislators and to all interested in the investigation of criminal matters, and that its importance justifies its use by the committee.

The investigations of this subject by General Curtis are recognized as probably the most thorough and exhaustive ever made in this country.

A BILL to reduce the cases in which the penalty of death may be inflicted.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where the accused is found guilty of the crime of murder or of rape under sections fifty-three hundred and thirty-nine or fifty-three hundred and forty-five, Revised Statutes, the jury may qualify their verdict by adding thereto "without capital punishment;" and whenever the jury shall return a verdict qualified as aforesaid the person convicted shall be sentenced to imprisonment at hard labor for life.

SEC. 2. That except offenses mentioned in sections thirteen hundred and forty-two, sixteen hundred and twenty-four, fifty-three hundred and thirty-nine, and fifty-three hundred and forty-five, Revised Statutes, when a person is convicted of any offense to which the punishment of death is now specifically affixed by the laws of the United States, he shall be sentenced to imprisonment at hard labor for life, and when any person is convicted of an offense to which the punishment of death, or a lesser punishment in the discretion of the court, is affixed, the maximum punishment shall be imprisonment at hard labor for life.

SEC. 3. That the punishment of death prescribed for any offense specified by the statutes of the United States, except in sections thirteen hundred and forty-two, sixteen hundred and twenty-four, fifty-three hundred and thirty-nine, and fifty-three hundred and forty-five, Revised Statutes, is hereby abolished, and all laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 4. That nothing herein contained shall apply to or in any way affect any proceeding or indictment now found or pending, or that may be found for any offense committed before the passage of this act; and all offenses committed before the passage of this act shall be punished under the laws then in force: *Provided*, That juries may return qualified verdicts in such cases according to the provisions of section one of this act; and the sentences shall be imposed as therein provided.

APPENDIX.

These statistics, the abridgement of criminal laws, and bibliography of crimes and punishments are advance sheets of a work on "Criminal law and civilization," now in course of preparation.

The chief object of this publication is to present the facts collected in a convenient form to the Committee on the Judiciary of the House of Representatives, which has under consideration a bill (H. R. 273, Fifty-third Congress) to define the crimes of murder in the first and second degree, and manslaughter, and providing punishment therefor, and to abolish the punishment of death.

Table No. 1 shows that in the first thirty-seven years of the Republic the letter and spirit of the criminal laws were supported by public sentiment, which is essential to the successful enforcement of criminal statutes, and that the administration of justice traveled in lines parallel with the provisions of the criminal code; but the statistics for 1890, 1891, and 1892, Table No. 2, furnished by the Attorney-General, show that the administration of the criminal law has diverged from our ancient and unchanged statutes. In former times in proper cases, about 85 per cent of those tried were convicted, while in recent years the average is less than 20 per cent in the Federal courts and still lower in the State courts.

Table No. 3, based on statistics collected and published by the Chicago Tribune, gives the number of reported homicides in the United States for the years 1890, 1891, and 1892, and the number of legal executions and of lynchings for the same period. When examined in connection with Table No. 4, which is made up from official reports of the attorneys-general of the States named, it will appear that in those States prescribing the death penalty for the greatest number of offenses homicides have been most frequent, while lynchings have increased and the number of legal executions has diminished.

Table No. 5 will show that in New York, a representative State as to urban and rural population, the cities do not, in proportion to population, show the greater number of atrocious crimes, but the reverse.

A comparison of the criminal laws of foreign countries with those of the United States shows that we undoubtedly have the bloodiest code in the world, and it is confidently stated that we also have the greatest number of homicidal crimes in proportion to population, while the administration of justice, measured by our statutes, is the most uncertain and abortive, Judge Lynch's court furnishing the most general and certain method of punishing violators of the law.

It is believed that the experience gained by states and nations which have abandoned the cruel punishments of early ages should invite us to secure greater safety and protection to human life by speedily making our laws "more conformable to the dictates of truth and justice, the feelings of humanity, and the undeniable rights of mankind."

N. M. C.

UNITED STATES.

Offenses for which the penalty of death may be inflicted are—

Under the military code, 17; section 1342, Revised Statutes, prescribing articles of war for governing the army. Section 1343, Revised Statutes, providing punishment for spies.

Under the naval code, 22; section 1624, Revised Statutes, prescribing articles of war for governing the navy.

Under the extraterritorial jurisdiction granted to consuls by section 4102, Revised Statutes, 3, viz, insurrection, rebellion, and murder.

Under the jurisdiction of the civil courts of the United States, 18, as provided in the several sections of the Revised Statutes, named after each offense.

(1) Being accessory before the fact to murder, piracy, etc., upon the high seas; section 5323. (2) Treason; section 5332. (3) Murder on land or maliciously striking, etc., from which death results; section 5339. (4) Rape; section 5345. (5) Owner destroying vessel at sea; section 5365. (6) Other person destroying vessel at sea; section 5366. (7) Piracy under the law of nations; section 5368. (8) Seaman laying violent hands on his commander; section 5369. (9) Robbery on the high seas; section 5370. (10) Robbery on shore by crew of piratical vessel; section 5371. (11) Murder on the high seas; section 5372. (12) Any act of hostility against the United States, or any citizen thereof, on the high seas, under color of commission from a foreign State, or on pretense of such authority; section 5373. (13) Piracy by subjects or citizens of foreign States; section 5374. (14) Piracy in confining or detaining negroes on board vessel; section 5375. (15) Piracy in landing and seizing negroes on foreign shores; section 5376. (16) Arson of dwelling house within fort; section 5385. (17) Arson of vessel of war; section 5387. (18) Rescue of person guilty of capital crime while going to or during execution; section 5400.

TABLE NO. 1.

[House Ex. Doc. No. 146, Twentieth Congress, second session, February 26, 1829.]

The President of the United States transmits, in compliance with the resolution of the House of Representatives of January 13, 1825, a statement of convictions, executions, and pardons under authority of the Government of the United States since the adoption of the Constitution, including the year 1826.

There were in the districts of Maine, Massachusetts, Rhode Island, New York (southern), Pennsylvania (eastern), Maryland, Virginia (eastern), South Carolina,

Georgia, Louisiana, East Tennessee, Illinois, Michigan, Territory of Arkansas, and District of Columbia—

	Trials.	Con- victions.	Execu- tions.	Pardons.
Murder.....	39	35	22	6
Murder on high seas.....	6	2	2	-----
Piracy.....	67	66	8	56
Treason*.....	9	6	5	1
Rape.....	4	1	1	-----
Sinking vessel at sea.....	1	1	-----	1
Robbery.....	1	-----	-----	-----
In Maryland, particular crimes not specified.....	127	111	38	64
	11	7	4	-----
Total.....	138	118	42	64

One suicided; 3 died; 2 escaped; 6 unaccounted for.

In the following districts there had been no capital crimes: New Jersey, Delaware, Vermont, Kentucky, Ohio, Indiana, Missouri, and Florida.

*Six convicted of treason (3 in 1795, 3 in 1800) in eastern district of Pennsylvania, 5 executed, 1 pardoned. In District of Columbia (Alexandria County) in 1814, 3 tried for treason and acquitted.

TABLE NO. 2.

DEPARTMENT OF JUSTICE,
Washington, D. C., October 21, 1893.

Hon. N. M. CURTIS,
House of Representatives.

SIR: Inclosed is a table, compiled from the reports of U. S. attorneys, giving you the information as to homicides, etc., under U. S. laws, as requested in your letter of August 31, last.

Very respectfully,

RICHARD OLNEY, Attorney-General.

List of homicides judicially noticed, indictments, convictions, etc., for murder, under United States laws, in years 1890, 1891, and 1892.

Districts.	Homicides considered.			Murder.									Executions.			
				Indictments.			Convictions.			Acquittals.						
	1890	1891	1892	1890	1891	1892	1890	1891	1892	1890	1891	1892	1890	1891	1892	
1 Arizona	1	*3	1	†4	3	1	0	0	1	0	1	0	0	0	0	0
2 Arkansas, W	32	44	27	†14	†16	†29	4	2	5	4	4	7	8	1	2	0
3 California, N	0	0	2	0	0	§2	0	0	0	0	0	0	0	0	0	0
4 California, S	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
5 District of Columbia|| .....	10	12	13	5	8	8	1	1	4	8	6	7	1	0	0	0
6 Florida, N	0	2	0	0	2	0	0	0	0	0	1	0	0	0	0	0
7 Georgia, N	1	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0
8 Georgia, S	0	0	0	1	0	0	0	3	0	0	1	0	0	0	0	0
9 Illinois	0	0	1	0	0	§1	0	0	§1	0	0	0	0	0	0	0
10 Indian Territory	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0
11 Kansas	13	1	1	10	0	0	§1	**1	§2	2	6	1	0	0	0	0
12 Kentucky	0	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0
13 Maryland	0	0	0	0	0	0	1	0	0	16	0	0	0	0	0	0
14 Minnesota	0	1	0	0	1	0	0	0	0	0	1	0	0	0	0	0
15 New York, E	0	1	0	0	1	0	0	0	0	0	1	0	0	0	0	0
16 New York, S	1	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0
17 North Carolina, E	0	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0
18 North Dakota	1	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0
19 Oklahoma	0	11	1	0	†11	1	0	0	0	0	§§2	0	0	0	0	0
20 Oregon	0	0	0	1	0	0	1	0	0	0	0	0	1	0	1	0
21 South Dakota	0	1	0	0	1	0	0	0	0	0	1	0	0	0	0	0
22 Tennessee, M	0	1	4	0	0	4	0	0	0	0	0	3	0	0	0	0
23 Texas, E	56	64	49	30	44	34	||||1	||||4	||||4	7	6	15	0	0	0	0
24 Utah	3	3	8	7	9	9	4	7	6	2	1	2	0	0	0	0
25 Virginia, E	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0
26 Virginia, W	0	0	0	0	0	1	0	0	0	7	0	0	0	0	0	0
27 Wisconsin, W	1	0	2	1	0	2	1	0	0	0	0	0	0	0	0	0
28 Wisconsin, E	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
29 Wyoming	0	2	0	0	2	0	0	0	1	0	0	0	0	0	0	0
	120	146	112	77	98	96	16	23	24	48	31	37	10	1	2	

* 4 indicted together. † 2 convicted of manslaughter. ‡ Of "indicted for murder," 1890, 6; 1891, 5; 1892, 6 were convicted of manslaughter. § Manslaughter. || Homicides (in D. C.) means number killed. Of "murder acquittals" in the 3 years, 15 were convicted of manslaughter. ¶ Ignored by grand jury. ** 2 manslaughter, 4 murder. †† 1 of these was manslaughter. §§ Dismissed. ||| All manslaughter but one; that one, death sentence commuted; all under Utah Territorial laws.

OFFENSES FOR WHICH THE PENALTY OF DEATH MAY BE INFLICTED UNDER THE
CRIMINAL CODES OF THE SEVERAL STATES AND TERRITORIES.

Where the jury determines degree, murder in first degree is punishable by death, lower degrees by imprisonment.

Alabama.—Seven, conditionally: The jury has discretion to make the punishment death or imprisonment. 1, treason; 2, murder, jury finds degree; 3, rape; 4, carnal knowledge of woman by administering drug, etc.; 5, carnal knowledge of female under 10 years; 6, carnal knowledge of woman by falsely personating husband; 7, robbery.

Arizona.—Two: 1, treason; 2, perjury; securing conviction and execution of innocent person. One, conditionally: Murder. The court shall fix the punishment either at death or imprisonment for not less than ten years.

Arkansas.—Four: 1, treason; 2, rape; 3, attempt to commit rape by use of drugs, etc.; 4, forcible abduction, with compulsory marriage. One, conditionally: Murder. Jury determines degree.

California.—One: Treason. One, conditionally: Murder. Jury finds degree.

Colorado.—One: Perjury, securing conviction and execution of innocent person. One, conditionally: Murder. Jury finds degree.

Connecticut.—One: Treason. One, conditionally: Murder. Jury finds degree.

Delaware.—Three: 1, treason; 2, rape; 3, exhibiting false lights by which vessel is wrecked and life lost. One, conditionally: Murder. Jury finds degree.

Florida.—One: Killing in duel. Two, conditionally: 1, murder; 2, rape. The power of pardon rests with legislature; governor may relieve during vacation.

Georgia.—Ten, for which the punishment is death; but if the jury recommend to mercy, imprisonment: 1, treason; 2, insurrection, or attempt to incite insurrection; 3, murder; 4, counselling pregnant women to kill child, if after delivery she kill it; 5, killing unborn child by injury to mother, if such injury would be murder had it resulted in death of mother; 6, castration; 7, rape; 8, arson; 9, malicious burning of railroad bridge; 10, perjury in capital cases.

Idaho.—One: Treason. One, conditionally: Murder. Jury finds degree.

Illinois.—One: Treason. Two, conditionally: 1, murder. Jury fixes punishment, which is either death or imprisonment for life. 2, Perjury, which secures conviction and execution of an innocent person.

Indiana.—Two: 1, duelling, if death ensue; 2, arson resulting in death. Two, conditionally: 1, treason; 2, murder. Jury has discretion to make punishment death or life imprisonment.

Iowa.—One: Duelling, if death ensue. One, conditionally: Murder. Jury may fix the punishment, which is either death or imprisonment for life. The governor shall not grant pardons in capital cases, except with the advice and consent of the general assembly.

Kansas.—Two: 1, treason; 2, murder. One, conditionally: Perjury in capital case. The punishment of death prescribed by law shall be inflicted by hanging, at such time as the governor of the State for the time being shall appoint, not less than one year after conviction. There has been no execution for many years.

Kentucky.—Three, conditionally: 1, treason; 2, murder; 3, rape. Jury has discretion to fix punishment of death or imprisonment for life.

Louisiana.—Seven, conditionally: 1, murder; 2, rape; 3, administering poison with intent to commit murder; 4, attempt to commit murder, in perpetration of arson, robbery, rape, or burglary; 5, duelling, if death ensue; 6, arson, in night time, of inhabited dwelling, etc.; 7, treason. In all cases where the punishment denounced by law is death, the jury may qualify their verdict by adding thereto, "without capital punishment;" and the person so convicted shall be sentenced to hard labor for life.

Maine.—Capital punishment was abolished in 1876; restored in 1883, and again abolished in 1887.

Maryland.—Seven, conditionally: 1, arson; 2, burning public building, etc.; 3, burning public arsenal, etc.; 4, wilfully burning mill, outhouse, haystack, fodder, etc.—aiders, abettors, and counsellors punished as principal; 5, murder; 6, rape; 7, treason. The court is given discretion in cases other than murder; in murder the jury finds degree.

Massachusetts.—One: Murder. Jury finds degree.

Michigan.—Capital punishment was abolished in 1847.

Minnesota.—One: Murder. The punishment is death, unless the court certify that the case is one in which the penalty of death should not be imposed; in that case, imprisonment for life.

Mississippi.—One: Treason. Two, conditionally: 1, murder; 2, rape. Jury fixes punishment of death or imprisonment for life.

Missouri.—Four, conditionally: 1, murder. Jury finds degree and fixes term of imprisonment for second degree. 2, treason; 3, rape; 4, perjury in capital case, with premeditated design of securing conviction and execution.

Montana.—Two: Murder, resulting from killing in fight or duel, by previous appointment. 2, perjury or subornation of perjury, resulting in conviction and execution of an innocent person.

Two, conditionally: 1, murder. Jury finds degree. 2, arson of inhabited dwelling. Jury has discretion to fix death or imprisonment as punishment.

Nebraska.—Two, conditionally; 1, murder; 2, willful perjury, resulting in conviction and execution of an innocent person. Jury has discretionary power to fix punishment of death or imprisonment.

Nevada.—Two: 1, perjury, securing conviction and execution of innocent person; 2, duelling, if death ensue. One, conditionally: Murder. Jury finds degree.

New Hampshire.—One, conditionally; Murder. Jury finds degree.

New Jersey.—Three: 1, treason; 2, sheriff or other officer voluntarily permitting escape of prisoner charged with capital crime; 3, rescue of prisoners charged with capital crime. One, conditionally: Murder. Jury finds degree.

New Mexico.—One: Murder in first degree. The degrees of murder are determined by "the facts and circumstances of each case."

New York.—One: Treason. One, conditionally: Murder. Jury finds as charged, or lower degree.

Sentence of death inflicted by electrocution.

North Carolina.—The constitution provides: "Murder, arson, robbery, and rape, and these only, shall be punishable with death, if the general assembly shall so indicate." Four: 1, murder; 2, arson; 3, robbery; 4, rape. No discretion.

North and South Dakota.—Code compiled before division.

One, conditionally: Murder. Jury fixes punishment of death or imprisonment for life.

Ohio.—One: Murder in first degree; but jury may convict of less degree.

Oklahoma.—One, conditionally: Murder. Jury fixes punishment of death or imprisonment for life.

Oregon.—One: Treason. One, conditionally: Murder. Jury may find less degree.

Pennsylvania.—Statute of March 31, 1860, provides: "No crime whatsoever, except murder of the first degree, shall be punished with death in Pennsylvania."

Jury may find defendant guilty of less degree than that charged in the indictment.

Rhode Island.—Capital punishment was abolished in 1852.

South Carolina.—Four: 1, arson; 2, duelling, causing death within six months; 3, murder, consisting of willfully killing with malice aforethought, by stabbing, poisoning, or placing obstruction on railroad track with intent to impede cars, if death of any human being results within a year and a day.

One conditionally: Rape. The punishment is death, unless the jury recommend to mercy, in which case the punishment shall be reduced to imprisonment at hard labor in the penitentiary during the whole lifetime of the prisoner.

South Dakota.—(See North Dakota.)

Tennessee.—Two: 1, murder in first degree; 2, killing by placing obstruction on railroad track, etc. One conditionally: Rape. Jury fixes punishment of death or imprisonment for life.

Texas.—Two: 1, willful perjury in capital case, where accused is executed; 2, death resulting from duel. Three, conditionally: 1, treason; 2, rape; 3, murder. Jury finds degree.

Utah.—One: Duel resulting in death. One, conditionally: Murder. Jury may recommend imprisonment for life, in which case the court may sentence to imprisonment for life, or death, in its discretion. Executions are by hanging or shooting; convict privileged to elect.

Vermont.—Two: 1, treason; 2, arson resulting in death. One, conditionally: Murder. Jury finds degree.

Virginia.—Four: 1, treason; 2, murder, first degree; 3, duel resulting in death; 4, arson of inhabited dwelling house, etc. Two, conditionally: 1, rape; 2, burglary.

Washington.—One: Murder, first degree. Power to commute sentence to imprisonment for life is vested in the governor.

West Virginia.—One: Murder in first degree. One conditionally: Treason.

Wisconsin.—Capital punishment was abolished in 1853.

Wyoming.—Two: One, murder; 2, perjury or subornation of perjury, procuring conviction and execution of innocent person.

TABLE NO. 3.—*Homicides in the United States.*

1890	4, 290
1891	5, 906
1892	6, 791
1893	6, 615
1894	9, 800
1895	10, 500

Executions and lynchings in the United States and Territories.

States and Territories.	Legal executions.						Lynchings.					
	1890.	1891.	1892.	1893.	1894.	1895.	1890.	1891.	1892.	1893.	1894.	1895.
Alabama	10	3	3	11	13	7	7	28	21	27	19	16
Arkansas	9	3	9	5	6	8	5	12	25	12	10	9
California	1	2	.....	5	2	8	2	1	5	.....	1	7
Colorado	1	3	.....	.....	.....	3	3	2	.....	1	1	7
Connecticut .....	.....	1	2	.....	1	.....	.....	.....	.....	.....	.....	.....
Delaware .....	.....	4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Florida	2	.....	.....	.....	1	6	3	10	11	8	7	12
Georgia	11	16	14	16	7	11	18	12	16	16	20	14
Idaho .....	.....	.....	.....	.....	.....	.....	.....	.....	8	1	.....	.....
Illinois .....	.....	2	3	3	6	3	.....	1	1	2	1	2
Indiana .....	.....	.....	.....	.....	1	.....	2	3	.....	2	2	.....
Iowa .....	.....	.....	.....	.....	1	1	.....	.....	.....	2	2	.....
Kansas .....	.....	.....	.....	.....	3	.....	.....	.....	3	3	4	1
Kentucky	2	2	10	4	3	4	5	11	9	11	19	15
Louisiana	7	9	4	4	3	5	8	29	28	20	15	4
Maine .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Maryland .....	.....	2	1	10	3	1	1	1	1	.....	1	3
Massachusetts .....	.....	.....	.....	3	1	.....	.....	.....	.....	.....	.....	.....
Michigan .....	.....	.....	.....	.....	.....	.....	.....	2	.....	1	.....	.....
Minnesota	1	2	.....	.....	2	1	.....	.....	.....	2	.....	.....
Mississippi	6	8	2	4	6	6	13	23	16	17	16	13
Missouri .....	.....	8	2	6	9	4	1	2	6	4	5	3
Montana	5	.....	1	.....	3	1	.....	5	4	1	.....	.....
Nebraska .....	.....	4	1	.....	.....	1	2	2	.....	.....	4	4
Nevada	2	.....	.....	.....	.....	1	1	.....	.....	.....	.....	.....
New Hampshire	1	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....
New Jersey .....	.....	.....	3	1	4	3	.....	.....	.....	.....	.....	.....
New York .....	.....	4	5	10	2	6	.....	.....	1	.....	.....	.....
North Carolina	5	2	4	1	5	3	2	2	5	3	1	1
North Dakota .....	.....	.....	.....	1	1	.....	.....	.....	1	1	.....	.....
Ohio	5	2	3	1	1	8	.....	1	4	.....	2	.....
Oregon	1	.....	2	1	1	.....	4	1	.....	.....	1	.....
Pennsylvania	8	7	4	6	8	5	.....	.....	.....	.....	1	.....
Rhode Island .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
South Carolina	8	8	5	10	7	9	5	1	5	13	4	6
South Dakota .....	.....	.....	1	1	2	.....	2	3	.....	.....	1	2
Tennessee	5	3	4	4	6	4	8	13	28	14	15	11
Texas	3	12	10	13	9	10	24	16	12	8	12	24
Vermont .....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....
Virginia	4	8	5	4	4	5	7	5	7	15	7	3
Washington	1	.....	.....	.....	.....	.....	.....	3	.....	1	2	2
West Virginia	2	1	2	.....	2	2	3	2	5	.....	2	.....
Wisconsin .....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	1	.....
Wyoming	1	.....	1	.....	1	1	.....	1	9	.....	.....	.....
District of Columbia	1	.....	.....	1	1	1	.....	.....	.....	.....	.....	.....
Territories:	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Arizona .....	.....	2	.....	.....	.....	.....	1	.....	3	.....	.....	.....
New Mexico .....	.....	.....	1	.....	2	2	1	.....	.....	6	.....	1
Oklahoma .....	.....	.....	2	.....	.....	2	.....	.....	2	4	11	9
Utah .....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....
Indian Territory .....	.....	5	.....	.....	4	2	.....	2	.....	5	2	2
	102	123	107	126	132	132	126	195	236	200	190	171

TABLE NO. 4.

The attorneys-general of the several States were requested to furnish the number of homicides judicially noticed in their respective States for the years 1890, 1891, and 1892, together with the number of indictments, convictions, acquittals, and executions. The following table is compiled from the replies received:

States.	1890.							
	Homi- cides.	Indict- ments, murder, first de- gree.	Con- victions, murder, first de- gree.	Indict- ments, murder, second degree.	Convic- tions, murder, second degree.	Con- victions, man- slaughter.	Acquit- tals.	Execu- tions.
Alabama.....	130	102	24	16	39	21	46	12
California.....	108	152	33	3	13	10	64	1
Idaho.....	6	3	.....	.....	2	1	1	.....
Massachusetts.....	.....	7	.....	.....	5	13	4	.....
Michigan*.....	26	15	7	.....	.....	.....	9	.....
Minnesota.....	.....	4	2	3	3	2	2	1
New Hampshire.....	3	.....	.....	.....	.....	3	.....	1
New York.....	50	.....	10	.....	16	24	.....	1
North Carolina.....	.....	.....	.....	.....	.....	.....	.....	.....
Ohio.....	86	48	7	38	.....	27	25	6
Rhode Island.....	.....	.....	1	.....	.....	.....	.....	.....
Vermont.....	8	.....	.....	.....	.....	.....	.....	.....
Wisconsin.....	42	36	19	3	1	3	17	.....

States.	1891.							
	Homi- cides.	Indict- ments, murder, first de- gree.	Con- victions, murder, first de- gree.	Indict- ments, murder, second degree.	Convic- tions, murder, second degree.	Con- victions, man- slaughter.	Acquit- tals.	Execu- tions.
Alabama.....	121	91	23	20	34	16	48	11
California.....	113	115	14	.....	10	7	54	1
Idaho.....	11	7	.....	.....	1	2	4	.....
Massachusetts.....	.....	6	1	.....	.....	11	5	1
Michigan*.....	84	53	15	.....	.....	5	12	.....
Minnesota.....	.....	20	5	5	1	3	9	2
New Hampshire.....	6	3	2	.....	1	2	.....	.....
New York.....	49	.....	4	.....	12	33	.....	5
North Carolina†.....	.....	.....	.....	.....	.....	.....	.....	.....
Ohio.....	103	52	6	47	.....	27	23	7
Rhode Island.....	.....	.....	1	.....	.....	1	.....	.....
Vermont.....	12	.....	.....	.....	.....	.....	.....	.....
Wisconsin.....	61	54	24	4	3	3	16	.....

States.	1892.							
	Homi- cides.	Indict- ments, murder, first de- gree.	Con- victions, murder, first de- gree.	Indict- ments, murder, second degree.	Convic- tions, murder, second degree.	Con- victions, man- slaugh- ter.	Acquit- tals.	Execu- tions.
Alabama.....	109	79	17	19	27	28	37	10
California.....	125	110	12	.....	12	13	31	.....
Idaho.....	18	11	.....	.....	2	3	3	.....
Massachusetts.....	.....	17	2	.....	5	13	7	1
Michigan*.....	78	70	17	.....	.....	4	11	.....
Minnesota.....	.....	.....	.....	.....	.....	.....	.....	.....
New Hampshire.....	6	1	.....	.....	1	3	3	.....
New York.....	43	.....	11	.....	12	20	.....	5
North Carolina†.....	.....	.....	.....	.....	.....	.....	.....	.....
Ohio.....	115	57	4	57	.....	35	37	3
Rhode Island.....	.....	.....	2	.....	.....	.....	.....	.....
Vermont.....	1	.....	.....	.....	.....	.....	.....	1
Wisconsin.....	30	22	3	3	1	5	23	.....

* Figures for 1890 include first six months; last six months included in 1891.

† Statistics for two years ending 1892 show: 154 homicides; 63 convictions; 53 acquittals; 38 nol. pros.

TABLE No. 5.

STATE OF NEW YORK,
OFFICE OF THE SUPERINTENDENT OF STATE PRISONS,
Albany, N. Y., January 2, 1894.

This is to certify that the statement on the reverse side of this sheet was compiled from reports made to this department by the clerks of the several counties.

FRED'K H. DUEL,
Stenographer, Office Superintendent of State Prisons.

Statement showing the number of executions in capital cases that have taken place in the several counties of the State of New York since its organization.

County.	Execu- tions.	County.	Execu- tions.	County.	Execu- tions.
Albany	No report.	Jefferson	2	St. Lawrence	4
Allegany	1	Kings	No report.	Saratoga	2
Broome	2	Lewis	1	Schenectady	1
Cattaraugus	2	Livingston	3	Schoharie	3
Cayuga	8	Madison	5	Schuyler	0
Chautauqua	3	Monroe	7	Seneca	3
Chemung	3	Montgomery	11	Steuben	3
Chenango	2	New York	44	Suffolk	0
Clinton	8	Niagara	1	Sullivan	5
Columbia	5	Oneida	6	Tioga	1
Cortland	1	Onondaga	4	Tompkins	3
Delaware	2	Ontario	2	Ulster	1
Dutchess	4	Orange	6	Warren	0
Erie	19	Orleans	1	Washington	3
Essex	No report.	Oswego	1	Wayne	1
Franklin	3	Otsego	2	Westchester	8
Fulton	1	Putnam	1	Wyoming	2
Genesee	7	Queens	5	Yates	0
Greene	4	Rensselaer	9		
Hamilton	1	Richmond	2		
Herkimer	1	Rockland	0	Total	230

There have been 20 electrical executions in this State that are not included in this statement.

FOREIGN COUNTRIES.

A list of offenses for which the death penalty may be inflicted under the civil laws of the United States was sent, through the State Department, to the representatives of the United States at foreign courts, with the request that they ascertain from the several Governments to which they are accredited the punishments inflicted for the same offenses in those countries. The following is an abstract of the replies received:

Argentine Republic.—One: Treason (for principal leaders, functionaries of superior order, and chiefs of the army or national guard). One, conditionally: Piracy (when vessel was boarded or fired upon, when accompanied by homicide or mutilation of persons captured, or when attended by violation, rape, or other grave crimes, or when persons are abandoned without the means of saving themselves.

Austria-Hungary.—Six: 1, murder; 2, murder on high seas; 3, piracy; 4, robbery on high seas; 5, piracy by subjects or citizens of foreign states; 6, treason. Two, conditionally: 1, arson of dwelling house within fort; 2, arson of vessel of war.

Belgium.—The penalty of death has not been abolished in Belgium, but since 1866 it has not been executed. In order to permit one to appreciate the results the following statistics are given: For the period from 1831 to 1890 in the first thirty-five years there were 321 capital condemnations, which was at the rate of 9.17 per year. In the twenty-five years following the cessation of executions there were 201, which was at the rate of 8.004, showing a decrease of 1.1696.

Brazil.—Capital punishment has been abolished for all crimes and no increase has been noted in criminal statistics.

Chile.—One: Murder of relatives in the ascending or descending line or of married partner. Three, conditionally: 1, murder of those not relatives; 2, piracy; 3, treason.

China.—Six: 1, murder; 2, murder on high seas; 3, rape; 4, piracy; 5, act of hostility against Government; 6, treason. Five, conditionally: 1, maliciously strik-

ing, etc.; 2, robbery on high seas; 3, robbery on shore by crew of piratical vessel; 4, arson of dwelling house within fort; 5, arson of vessel of war.

Colombia.—Five, conditionally: 1, murder; 2, murder on high seas; 3, piracy; 4, piracy by subjects of foreign state; 5, treason.

Where capital punishment has been abolished there has been a marked increase of atrocious crimes.

Costa Rica.—The results of the abolition of capital punishment for all offenses in Costa Rica are considered very favorable, thus confirming public sentiment against capital punishment.

Denmark.—One: Murder. Two, conditionally: 1, rape; 2, piracy.

Ecuador.—Four: 1, murder; 2, murder on high seas; 3, arson of vessel of war; 4, treason. Six, conditionally: 1, piracy; 2, robbery on high seas; 3, piracy by subjects of foreign state; 4, piracy in confining negroes; 5, piracy in seizing negroes; 6, arson of dwelling house within fort.

The death penalty was abolished from 1878 to 1883, during which time the increase of crime was considerable.

France. Seven: 1, murder; 2, murder on high seas; 3, piracy; 4, robbery on high seas; 5, arson of dwelling house within fort; 6, arson of vessel of war; 7, treason. Seven, conditionally: 1, maliciously striking, etc.; 2, owner destroying vessel at sea; 3, other person destroying vessel at sea; 4, seaman laying hands on commander; 5, robbery on high seas; 6, act of hostility against Government; 7, piracy by subjects of foreign nations.

Germany.—Two: 1, murder; 2, murder on high seas. Five, conditionally: 1, owner destroying vessel at sea; 2, other person destroying vessel at sea; 3, arson of dwelling house within fort; 4, arson of vessel of war; 5, treason.

Great Britain.—The only offenses for which the sentence of death can now be inflicted are high treason, murder, piracy with violence, and the burning of ships of war, dockyards, and arsenals. Practically the punishment of death is confined to murder. The others rarely occur, and there has been no execution for any of them for a long period of years.

Greece.—1, murder; 2, murder on high seas; 3, maliciously striking, etc.; 4, treason.

Guatemala.—The penalty of death is abolished for common crimes, but, having been done recently, can not estimate results.

Haiti.—Ten: 1, owner destroying vessel at sea; 2, other person destroying vessel at sea; 3, act of piracy by international law; 4, seaman laying violent hands on commander; 5, robbery by crew of piratical vessel; 6, act of hostility against Government, etc.; 7, act of piracy by citizens or subjects of foreign power; 8, arson within fort; 9, arson of vessel of war; 10, treason.

The constitution of 1879 abolished the death penalty for political matters. It has been admitted that the death penalty in political matters to-day appeals only to passions and ideas, and that punishments have never modified ideas or disarmed passions; that the circumstances of political ardor suppose more audacity than perversity, more fanaticism than corruption, and imprisonment for life has seemed to suffice the end proposed by society, which is to assure its safety. Since the period of said abolition political crimes have not been more frequent.

Hawaii.—Three: 1, murder; 2, murder on high seas; 3, maliciously striking, etc. Four, conditionally: 1, rape; 2, destroying vessel at sea; 3, owner destroying vessel at sea; 4, treason.

Holland.—There has been no increase of crime since the abolition of the death penalty.

Honduras.—One: Treason. Eleven, conditionally: 1, murder; 2, murder on high seas; 3, piracy; 4, robbery on high seas; 5, robbery on shore by crew of piratical vessel; 6, act of hostility against Government; 7, piracy by subjects of foreign state; 8, piracy in detaining negroes; 9, piracy in seizing negroes; 10, arson of dwelling house within fort; 11, arson of vessel of war.

Italy.—Since the abolition of the death penalty by the new common penal code, which went into force January 1, 1890, the results obtained up to this present time have fully realized the expectations cherished by Parliament, by public opinion, and by students of criminal matters; that is to say, social security has not been disturbed or diminished by it, and consequently the conditions of high criminality have not been rendered worse.

Japan.—Five: 1, murder; 2, murder on high seas; 3, arson of dwelling house within fort; 4, arson of vessel of war; 5, treason. Crimes for which the punishment of death has been abolished have not apparently increased or diminished.

Corra.—Four: 1, murder; 2, murder on high seas; 3, rape; 4, treason.

Liberia.—Two: 1, murder; 2, treason. Two, conditionally: 1, maliciously striking, etc.; 2, seaman laying violent hands on commander.

Mexico.—Two: 1, murder; 2, piracy. One, conditionally: Treason.

Norway.—Eleven, conditionally: 1, murder; 2, murder on high seas; 3, rape; 4, owner destroying vessel at sea; 5, other person destroying vessel at sea; 6, piracy;

7, robbery on high seas; 8, robbery on shore by crew of piratical vessel; 9, arson of dwelling house within fort; 10, arson of vessel of war; 11, treason. Since 1874 it is made discretionary with the courts to impose the punishment of death or hard labor for life, since which time a majority of the latter sentences have been imposed, and no bad consequences, so far as public safety is concerned, have been observed as a result.

Persia.—Eight, conditionally: 1, murder; 2, murder on high seas; 3, rape; 4, destroying vessel at sea; 5, piracy; 6, robbery on high seas; 7, robbery on shore by crew of piratical vessel; 8, treason.

Peru.—Two: 1, murder; 2, murder on high seas. The death penalty was abolished by the constitution of 1856 and reestablished in 1860. The statistics of crimes and the statements of criminal trials have not shown any appreciable difference between the epoch in which the death penalty was abolished and that of its reestablishment.

Portugal.—The death penalty was abolished by the law of the 1st of July, 1867, and the number of homicides to which this penalty was applied has diminished during the succeeding years.

Russia.—The death penalty was abolished in Russia as to all ordinary, nonpolitical, offenses in 1753; and its abolition has not caused any increase in the number of those offenses.

Siam.—Two: 1, murder; 2, murder on high seas. Six, conditionally: 1, maliciously striking, etc.; 2, piracy; 3, seaman laying violent hands on commander; 4, robbery on shore by crew of piratical vessel; 5, piracy by subjects of foreign state; arson of vessel of war.

Spain.—Two: Act of hostility against Government, etc. (death for leader); 2, treason. Six, conditionally: 1, murder; 2, maliciously striking, etc.; 3, robbery, if accompanied by homicide; 4, destroying vessel at sea; 5, seaman laying violent hands on commander; 6, robbery on high seas, if accompanied by homicide.

Sweden.—Three, conditionally: 1, murder; 2, murder on high seas; 3, treason.

Switzerland.—Since 1874 capital punishment has been abolished in 15 Cantons. It has been the punishment for murder since 1879 in 7 Cantons. No other crime punishable with death.

Turkey.—Seven: 1, murder; 2, murder on high seas; 3, owner destroying vessel at sea; 4, other person, same; 5, arson dwelling house within fort; 6, arson of vessel of war; 7, treason.

Venezuela.—The death penalty was abolished by the Liberal constitution of 1864,

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